

## DRAFT RULING—OCTOBER 15, 2018

DISTRICT COURT, WATER DIVISION NO. 5, STATE OF COLORADO 109 8th Street, Suite 104 Glenwood Springs, CO 81601 (970) 928-3065	DATE FILED: October 15, 2018 6:37 PM FILING ID: 1E2D91A3E96E2 CASE NUMBER: 2017CW3258
<b>Concerning the Application for Water Rights of:</b>  <b>THE SNOWMASS WATER AND SANITATION DISTRICT, a Colorado special district,</b>  <b>in PITKIN AND EAGLE COUNTIES, Colorado</b>	<b>▲ COURT USE ONLY ▲</b>
Attorneys for Applicant: Mark E. Hamilton, Esq., No. 24585 Tarn Udall, Esq., No. 49638 HOLLAND & HART LLP 600 E. Main St., Suite 104 Aspen, CO 81611 Phone: 970-925-3476 Fax: 866-784-7682 <a href="mailto:mehamilton@hollandhart.com">mehamilton@hollandhart.com</a> <a href="mailto:ctudall@hollandhart.com">ctudall@hollandhart.com</a>	Case Number:  17CW3258  Div.:                      Ctrm.:
<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE, JUDGMENT AND DECREE</b>	

The above-entitled Application was filed on December 31, 2017. This matter was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court in accordance with Article 92 of Chapter 37, C.R.S., known as the Water Rights Determination and Administration Act of 1969. The Referee, having made such investigations as are necessary to determine whether the statements in the Application are true, and having become fully advised with respect to the subject matter of the Application, does hereby make the following Findings of Fact, Conclusions of Law, and Ruling as the Referee in this matter:

### FINDINGS OF FACT

1. The name, address and telephone number of the Applicant is as follows:

Snowmass Water and Sanitation District ("SWSD")  
 c/o Kit Hamby, Manager  
 P.O. Box 5700  
 Snowmass Village, CO 81615  
 (970) 923-2056

*with copies to:*

Mark E. Hamilton, Esq.  
Tarn Udall, Esq.  
Holland & Hart LLP  
600 E. Main St., Suite 104  
Aspen, CO 81611  
(970) 925-3476

2. Timely and adequate notice of the filing of the Application were given as required by law. C. R.S. § 37-92-302. This Court has jurisdiction over the subject matter of these proceedings and over all persons affected thereby, whether they have appeared or not. C.R.S. §§ 37-92-203 and -302. None of the water rights or structures involved herein is located within a designated groundwater basin.
3. A properly verified Application was filed in this matter by the Applicant on December 31, 2017. A timely Statement of Opposition was filed in this matter by the Colorado Water Conservation Board ("CWCB"). The CWCB has since stipulated to entry of a ruling and final decree in this matter pursuant to stipulation with the Applicant dated \_\_\_\_\_, 20\_\_\_\_. The time for filing additional statements of opposition has expired.

**FIRST CLAIM FOR RELIEF:  
CONDITIONAL SURFACE WATER RIGHT**

4. Applicant requests confirmation of the following conditional surface water right:

- A. *Name of Structure:* SWSD Roaring Fork Intake Pipeline.
- B. *Location:* NW 1/4 of NE 1/4 of Sec. 21, T. 9 S., R. 85 W. 6th P.M., at a point approx. 1789 ft. W. of the E. Sec. line, and 371 ft. S. of the N. Sec. line\*; UTM: NAD 83, Zone 13N, 4347491m N, 337408m E. **See Figure 1.**

\*Section lines in the Aspen/Snowmass area have not been officially surveyed by the USGS or BLM and thus any legal description based on section lines may not be accurate.

- C. *Source*: Roaring Fork River, tributary to the Colorado River.
- D. *Amount*: 9.0 c.f.s.
- E. *Appropriation information*:
  - (1) *Appropriation date*: December 31, 2017
  - (2) *Appropriation initiated by*: determination of need for this water right following engineering studies and approval of same by SWSD's Board of Directors, formation of intent to appropriate water rights, and the filing of this Application.
  - (3) *Date of application of water to beneficial use*: N/A
- F. *Uses or proposed uses*: municipal, including but not limited to domestic, commercial, irrigation, recreation, industrial and other beneficial uses associated with SWSD's provision of potable water service to its customers in and around the Town of Snowmass Village, Colorado, either directly or after storage in SWSD's present or future raw or treated water storage facilities.
- G. *Remarks*: SWSD provides water service within the Town of Snowmass Village and surrounding service area as depicted on **Figure 1**. Historically, SWSD's principal water supplies have come from Snowmass Creek. In order to enhance resiliency of SWSD's water system, SWSD seeks to develop a supplemental physical source of supply from the Roaring Fork River for use when the quantity or quality of water available to SWSD from Snowmass Creek is limited due to events such as droughts, landslides, forest fires, avalanches, physical equipment failures or other emergencies. During periods when a senior water right located below the Roaring Fork River/Fryingpan River confluence places a valid call on the Roaring Fork River, this water right will operate pursuant to the plan for augmentation and exchange described below in Section 5 (plan for augmentation) and Section 6.B (SWSD Exchange No. 2).

**SECOND CLAIM FOR RELIEF:  
PLAN FOR AUGMENTATION**

5. Applicant also requests approval of the following plan for augmentation:

A. *Description of Water Rights to be Augmented:*

SWSD Roaring Fork Intake Pipeline (as described above in First Claim).

B. *Description of Water Rights to be Used for Augmentation:*

Ruedi Reservoir: water rights and supplies available to SWSD pursuant to Contract No. CW 12004 (the "Ruedi Contract") with the United States Bureau of Reclamation for 500 acre feet of annual supply from the marketable yield of Ruedi Reservoir.

- (1) Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82° 10' W a distance of 1,285 feet.
- (2) Source: Fryingpan River.
- (3) Previous decrees for Ruedi Reservoir:
  - (a) Civil Action No. 4613: Decree Date: June 20, 1958. Court: Garfield County District Court. Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. Appropriation Date: July 29, 1957. Uses: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial.
  - (b) Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were Colorado River Water Projects Enterprise Water Rights Descriptions August 2008 Page 4 of 9 made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute. Appropriation Date: January 22, 1981. Uses: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times

of drought.

- (4) Additional or alternate replacement supplies: In accordance with C.R.S. § 37-92-305(8)(c), as may be amended or revised, SWSD may use alternative or additional sources of water for augmentation, substitution, and replacement pursuant to the final decree entered for this Application. SWSD shall comply with all statutorily required procedures in place at the time SWSD seeks to use such additional or alternative supplies in this plan for augmentation.

C. *Statement of Plan for Augmentation.*

- (1) Overview:

The purpose of this plan for augmentation is to allow for SWSD to be able to continue to operate the SWSD Roaring Fork Intake Pipeline water right (*see above* First Claim) by providing replacement water released from Ruedi Reservoir during times when the Roaring Fork or Colorado River systems are under administration due to senior calls originating below the confluence of the Roaring Fork and Fryingpan Rivers near the Town of Basalt, Colorado.

- (2) Diversions and depletions.

SWSD's water service area (including extra-territorial water service to the Brush Creek Metropolitan District) is depicted on **Figure 1**. To determine the amount of out-of-priority depletions to be augmented pursuant to this plan, domestic consumption within the areas served by SWSD's wastewater treatment system will be calculated using the difference between the flow measuring devices at SWSD's water treatment plant and wastewater treatment plant effluent. Domestic use within the Brush Creek Metropolitan District will be assumed to be 15% consumptive due to the use of individual sewage disposal systems (ISDS). Water used in either area for outdoor irrigation shall be assumed to be 80% consumptive. According to Glover analyses completed by SWSD's engineers, due to local geology and relative distances from the Brush Creek and the Roaring Fork River, lagged return flows from ISDS and outdoor irrigation accrue evenly over 12 months (8.3%

per month). SWSD will develop measuring and accounting systems acceptable to the Division Engineer to facilitate future administration of this plan.

(3) Downstream calls.

The Roaring Fork River and the Colorado River are subject to periodic water rights calls from downstream irrigation water rights after spring runoff each year. Historically, the Cameo call has been placed for one week in April, one week in May, two weeks in June, all of July through October, and one week in November. The synthetic call used by SWSD's engineers for purposes of developing this plan for augmentation assumes 14 call days in April, 7 call days in May, 15 call days in June, and calls throughout July through October. The plan proposed herein will provide water released from storage in Ruedi Reservoir to replace in time and amount all out-of-priority depletions that would otherwise result due to use of the SWSD Roaring Fork Intake Pipeline during such call periods. This plan will operate in conjunction with the SWSD Exchange No. 2 described below in Section 6.B.

(4) Local calls.

The CWCBC holds instream flow water rights on the Roaring Fork River from Maroon Creek to the Fryingpan River in the amount of 30.0 c.f.s from October 1 through March 31 and in the amount of 55.0 c.f.s. from April 1 through September 30. During any periods of Roaring Fork River administration due to a valid call originating from these instream flow water rights, or from any other senior water right located below the SWSD Roaring Fork Intake Pipeline, but above the Fryingpan River confluence (excepting the Pitkin County RICD decreed in Case No. 10CW305, which is addressed below in Section 7), SWSD shall curtail diversions pursuant to the SWSD Roaring Fork Intake Pipeline water right unless and until local augmentation supplies are made available pursuant to a future water court or substitute water supply plan approval.

**THIRD CLAIM FOR RELIEF:  
CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE**

6. Applicant requests confirmation of the following two conditional appropriative rights of exchange.

A. *Name of exchange:* SWSD Exchange No. 1 (Snowmass Creek/Roaring Fork).

(1) Upstream Termini (“exchange to” structures):

(a) East Snowmass Brush Creek Ditch (Structure ID 653)

(i) Decrees: C.A. 1321, C.A. 5884, W-2903

(ii) Location:

Decreed location: on the E. bank of East Snowmass Creek at a point about (80) rods S. and up the creek above a point 44°27' W. 6052 ft. from the S.W. corner of Sec. 2, T. 10 S., R. 86 W., 6th P.M.

Surveyed location (per SGM survey dated July 30, 2014): SW 1/4 SW 1/4 of Sec. 10, T. 10 S., R. 86 W., 6th P.M., at a point 1145 ft. W. of the E. Sec. line and 297 ft. N. of the S. Sec. line\*, UTM: NAD 83, Zone 13N, 4339693m N, 328522m E. **See Figure 1.**

(iii) Source: East Snowmass Creek

(b) East Snowmass and Brush Creek Pipeline (Structure ID 1441)

(i) Decrees: C.A. 5884, W-2903, 92CW307

(ii) Location:

Decreed location: on the E. bank of East Snowmass Creek at a point whence the NE corner of Sec. 10, T. 10, S., R. 86 W., 6th P.M., bears N. 39°25' E. 6,495 ft.

Surveyed location (per SGM survey dated July 30, 2014): SW 1/4 SW 1/4 of Sec. 10, T. 10 S., R. 86 W.,

6th P.M., at a point 1178 ft. E. of the W. Sec. line and 296 ft. N. of the S. Sec. line\*, UTM: NAD 83, Zone 13N, 4339692m N, 328532m E. *See Figure 1.*

(iii) Source: East Snowmass Creek

(c) Snowmass Creek Pipeline (Structure ID 1442)

(i) Decrees: C.A. 5884, 92CW307, 93CW043

(ii) Location:

Decreed location: on the right bank of Snowmass Creek at a point whence the SE corner of Sec. 3, T. 10 S., R. 86 W., 6th P.M., bears S. 57°34' E. 3417 ft.

PLSS location (per CDSS): NE 1/4 of SW 1/4 of Sec. 3, T. 10 S., R. 86 W., 6th P.M., at a point approx. 2,744 ft. W. of the E. Sec. line, and 2,064 ft. N. of the S. Sec. line, UTM: NAD 83, Zone 13N, 4341830m N, 328989m E. *See Figure 1.*

(iii) Source: Snowmass Creek

\*Section lines in the Aspen/Snowmass area have not been officially surveyed by the USGS or BLM and thus any legal description based on section lines may not be accurate.

(2) Downstream Terminus: the confluence of the Roaring Fork and Fryingpan Rivers, generally located in the SW1/4 SE1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6th P.M., at a point approximately 750 ft. from the S. sec. line and 1440 ft. from the E. sec. line. *See Figure 1.*

(3) Appropriation date: December 31, 2017

(4) How appropriation was initiated: determination of need for this water right following engineering studies, approval of same by SWSD's Board of Directors, formation of intent to appropriate water rights, and the filing of this Application.

(5) Maximum rate of exchange: 3.0 c.f.s., up to 400 acre-feet, conditional.\*



\*The cumulative rate and volume pursuant to the SWSD Exchange No. 2 (described below in Section 6.B) and this exchange shall not exceed 4.0 c.f.s. and 500 acre-feet.

- (6) Uses: municipal, including but not limited to domestic, commercial, irrigation, recreation, industrial, and other beneficial uses associated with SWSD's provision of potable water service to its customers in and around the Town of Snowmass Village, Colorado, either directly or after storage in SWSD's present or future raw or treated water storage facilities. The water diverted by the exchange may also be used for any other purposes, and at any places of use, decreed to the "exchange to" structures.
- (7) Remarks: SWSD is not filing for new water rights for the above-listed "exchange to" points, rather only to confirm appropriative rights of exchange that will allow SWSD to supplement the legal supply available from existing water rights when the Roaring Fork River is under administration due to placement of a valid call below the confluence with the Fryingpan River. SWSD's diversion of water at any one or combination of the three "exchange to" points pursuant to this exchange shall not exceed a cumulative rate of 3.0 c.f.s. and shall be subject to all existing agreements regarding SWSD's use of water at these three locations. Releases from Ruedi Reservoir will be delivered at the confluence of the Fryingpan and Roaring Fork Rivers. The subject exchange will therefore operate from this confluence up the Roaring Fork River, Snowmass Creek, and, if applicable, East Snowmass Creek, to the locations described above in Section 6.A(1). Water diverted at these locations by exchange may be used directly or stored in SWSD's present or future storage facilities for later use for the purposes described above. SWSD claims the right to conduct exchanges (1) from the downstream terminus upstream to any other point of diversion and/or storage located within the exchange reaches (including the termini) that is or becomes available for SWSD's use and (2) within the exchange reaches from points of diversion and/or storage to other such points that are or become available for SWSD's use. However, the SWSD Exchange No. 1 or any portion thereof shall not operate whenever a valid call is placed by a senior water right within the exchange reach, including but not limited to any valid calls placed by the CWCBC for existing instream

flow water rights within the exchange reach that are senior to the exchanges confirmed herein.

B. *Name of exchange:* SWSD Exchange No. 2 (Roaring Fork).

- (1) Upstream Terminus: SWSD Roaring Fork Intake Pipeline, described above in Section 4. **See Figure 1.**
- (2) Downstream Terminus: the confluence of the Roaring Fork and Fryingpan Rivers, generally located in the SW1/4 SE1/4 of Sec. 7, T. 8 S., R. 86 W. of the 6th P.M., at a point approximately 750 ft. from the S. sec. line and 1440 ft. from the E. sec. line. **See Figure 1.**
- (3) Appropriation date: December 31, 2017
- (4) How appropriation was initiated: determination of need for this water right following engineering studies, approval of same by SWSD's Board of Directors, formation of intent to appropriate water rights, and the filing of this Application.
- (5) Maximum rate of exchange: 4.0 c.f.s., up to 500 acre-feet, conditional.\*

\*The cumulative rate and volume pursuant to the SWSD Exchange No. 1 (described above in Section 6.A) and this exchange shall not exceed 4.0 c.f.s. and 500 acre-feet.

- (6) Uses: municipal, including but not limited to domestic, commercial, irrigation, recreation, industrial, and other beneficial uses associated with SWSD's provision of potable water service to its customers in and around the Town of Snowmass Village, Colorado, either directly or after storage in SWSD's present or future raw or treated water storage facilities.
- (7) Remarks: Releases from Ruedi Reservoir will be delivered at the confluence of the Fryingpan and Roaring Fork Rivers. The SWSD Exchange No. 2 will operate from this confluence up the Roaring Fork River to the location of the SWSD Roaring Fork Intake Pipeline in connection with operation of the plan for augmentation described above in SWSD's Second Claim. SWSD claims the right to conduct exchanges (1) from the downstream terminus upstream to any other point of diversion and/or storage located within the

exchange reaches (including the terminus) that is or becomes available for SWSD use and (2) within the exchange reaches from points of diversion and/or storage to other such points that are or become available for SWSD's use. However, the SWSD Exchange No. 2 or any portion thereof shall not operate whenever a valid call is placed by a senior water right within the exchange reach, including but not limited to any valid calls placed by the CWCB for any existing decreed instream flow water rights located within the exchange reach that are senior to the exchanges confirmed herein.

7. *Additional finding re Pitkin County RICD:* The depletions associated with the water rights confirmed herein between April 15 and Labor Day (as late as Sept. 7) each year will be up to 500 acre-feet. This provision is for the purpose of providing the depletion volume to be included in the accounting for the Pitkin County RICD in Case No. 10CW305.

#### **CONCLUSIONS OF LAW**

8. The foregoing Findings of Fact are incorporated in these Conclusions of Law as though fully set forth herein.
9. The Application filed herein was complete, covering all applicable matters required under C.R.S. § 37-92-302.
10. All notices required by law were given, and no further notice need be given.
11. The Court has jurisdiction of this matter and of all persons, whether they have appeared or not, pursuant to C.R.S. §§ 37-92-301(2) and -303(1).
12. This Court has authority to confirm the water rights and approve the change of water rights and plan for augmentation requested in this application pursuant to C.R.S. §§ 37-92-301(2), -302 and -303(1).
13. The Court finds that Applicant has demonstrated an intent to appropriate water for the above-described conditional surface water right and conditional appropriative rights of exchange. Applicant has taken a substantial first step towards such appropriations in the amounts and for the purposes specified above. As to all conditional amounts and uses described above, the Court also concludes that waters can and will be appropriated, diverted, stored or exchanged in the times, amounts and for the uses described above, and that such waters will be

beneficially used and that the project can and will be completed with diligence and within a reasonable time. C.R.S. § 37-92-305(9)(b).

14. A plan for augmentation shall be approved if it will not injuriously affect the owner or persons entitled to use water under a vested water right or decreed conditional water right. C.R.S. § 37-92-305(3).
15. The Court concludes that the plan for augmentation described above, subject to all terms and conditions set forth herein, will not injuriously affect the owners of or persons entitled to use water under a vested water right or decreed conditional water right.
16. Any decree approving a plan for augmentation must be conditioned upon the retained jurisdiction of the court for a period necessary or desirable to preclude or remedy any injury to the vested rights of others. C.R.S. § 37-92-304(6).
17. The Applicant's proposed plan for augmentation meets the statutory criteria set forth in C.R.S. §§ 37-92-103(9), -302(1), and -305(8), as one contemplated by law and, if operated in accordance with the terms and conditions of this Ruling, the use of water pursuant to said plan will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right.

#### **RULING OF THE REFEREE**

18. The foregoing Findings of Fact and Conclusions of Law are incorporated in this Ruling of the Referee as though fully set forth herein.
19. Subject all terms and conditions set forth in this Ruling of the Referee, the Court hereby confirms conditional water rights for each of the structures and exchanges described above, as more fully described above in the Findings of Fact, as follows:
  - A. SWSD Roaring Fork Intake Pipeline: 9.0 c.f.s., conditional, for municipal use, including but not limited to domestic, commercial, irrigation, recreation, industrial and other beneficial uses associated with SWSD's provision of potable water service to its customers in and around the Town of Snowmass Village, Colorado, either directly or after storage in SWSD's present or future raw or treated water storage facilities.

- B. SWSD Exchange No. 1: 3.0 c.f.s., conditional, with maximum annual volume of 400 a.f.\*; and
- C. SWSD Exchange No. 2: 4.0 c.f.s., conditional, with maximum annual volume of 500 a.f.\*.

(\*provided that the cumulative maximum instantaneous rate of exchange for both SWSD Exchange No. 1 and SWSD Exchange No. 2 will not exceed 4.0 c.f.s. and the maximum annual volume exchanged under both these exchanges will not exceed 500 acre-feet).

- 20. The plan for augmentation described above is hereby approved, subject to all terms and conditions set forth herein. Applicant shall be allowed to utilize the water rights described above out-of-priority so long as, pursuant to the above-described plan for augmentation, replacement water is provided in time, place and amount to alleviate any injury that may otherwise occur to other vested water rights. The Referee finds that the substituted water provided for under this plan for augmentation is of a quality, quantity and continuity so as to meet the requirements for which the water of senior appropriators has normally been used. Augmentation pursuant to this decree shall be limited to the augmentation supplies legally and physically available to SWSD pursuant to its Ruedi Contract and any additional supplies that are added as provided for in this decree.
- 21. To assure that adequate protection is provided to other vested water rights or other conditional water rights, the court should retain jurisdiction for a period starting at the date of the decree and continuing until five years after the Applicant provides written notice to the parties, the Division Engineer, and the Court that the augmentation plan has become fully operational and that the proposed uses are all in place. Such notice must confirm that the decreed augmenting sources are in place, that the terms and conditions necessary to operate the plan as required by the decree have been met, and that the augmented uses and augmentation have been initiated.
- 22. Pursuant to C.R.S. § 37-92-305(8), in administering the plan for augmentation approved herein, the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.
- 23. The Applicant shall install measuring devices, provide accounting, and supply calculations regarding the timing of depletions as required by the Division

Engineer for the operation of this plan. The Applicant shall also file a monthly report by the 10th of the following month that includes daily diversions at each structure, consumptive use, which replacement source was utilized, as well as an annual report with the Division Engineer by November 15th following each preceding irrigation year (November 1 through October 31) summarizing diversions, depletions and replacements made under this plan.

24. The Applicant shall provide notice to the Division Engineer prior to operation of the exchanges decreed herein.
25. Should the Applicant desire to maintain the conditional water rights confirmed herein, an Application for Reasonable Diligence shall be filed in the same month of the sixth calendar year following entry of this decree, unless a determination has been made prior to that date that such conditional rights have been made absolute by reason of completion of the appropriations or are otherwise disposed of. The conditional surface water right and exchanges decreed herein are components of SWSD's extensive, integrated public water supply system and shall be considered integrated structures for the purposes of future reasonable diligence findings.
26. Pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions, upon the sale or transfer of the conditional water rights decreed herein, the transferee shall file with the Division 5 Water Court a notice of transfer which shall state:
  - A. The title and case number of this Case No. 17CW3258;
  - B. The description(s) of the conditional water right(s) transferred;
  - C. The name(s) of the transferor(s);
  - D. The name(s) and mailing address(es) of the transferee;
  - E. A copy of the recorded deed.

The owner of said conditional water rights shall also notify the Clerk of the Division 5 Water Court of any change in mailing address. The Clerk shall place any notice of transfer or change of address in the case file of this Case No. 17CW3258 and in the case file (if any) in which the Court first made a finding of reasonable diligence.

It is ORDERED that this Ruling shall be filed with the Water Clerk subject to judicial review.

It is further ORDERED that a copy of this Ruling shall be filed with the appropriate Division Engineer and the State Engineer.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE REFEREE

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Water Referee, Water Division No. 5,  
State of Colorado

**JUDGMENT AND DECREE**

No protest was filed in this matter, and accordingly, the foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY THE COURT:

\_\_\_\_\_  
District Court Judge, Water Division No. 5,  
State of Colorado